

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1092

Citations Affected: IC 33-4-8-5; IC 33-13-8-27.

Synopsis: Judges. Conference committee report for EHB 1092. Provides that a senior judge receives a per diem of \$50 for each of the first 30 days of service in a calendar year and, for each day after the first 30 days, a \$100 per diem. Provides that the supreme court may adjust the compensation rate if there are insufficient funds in the payroll fund. Allows a judge to purchase service credit for service as a full-time judge pro tempore. **(This conference committee report provides that a senior judge receives a per diem of \$50 for each of the first 30 days of service in a calendar year and, for each day after the first 30 days, a \$100 per diem. Provides that the supreme court may adjust the compensation rate if there are insufficient funds in the payroll fund.)** (The introduced version of this bill was prepared by the pension management oversight commission.)

Effective: July 1, 2003.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1092 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert:
- 2 SECTION 1. IC 33-4-8-5 IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) A senior judge is entitled to
- 4 **the following compensation:**
- 5 (1) **For each of the first thirty (30) days of service in a calendar**
- 6 **year, a per diem of fifty dollars (\$50). and**
- 7 (2) **Except as provided in subsection (c), for each day the senior**
- 8 **judge serves after serving the first thirty (30) days of service in**
- 9 **a calendar year, a per diem of one hundred dollars (\$100).**
- 10 (3) Reimbursement for:
- 11 (A) mileage; and
- 12 (B) reasonable expenses, including but not limited to meals and
- 13 lodging, incurred in performing service as a senior judge;
- 14 for each day served as a senior judge.
- 15 (b) **Subject to subsection (c), the per diem and reimbursement for**
- 16 **mileage and reasonable expenses under subsection (a) shall be paid by**
- 17 **the state.**
- 18 (c) **The compensation under subsection (a)(2) must be paid by the**
- 19 **state from funds appropriated to the supreme court for judicial**

1 payroll. If the payroll fund is insufficient to pay the compensation
 2 under subsection (a)(2), the supreme court may issue an order
 3 adjusting the compensation rate.

4 (d) A senior judge appointed under this chapter may not be
 5 compensated as a senior judge for more than one hundred (100)
 6 calendar days in the aggregate during a calendar year.

7 SECTION 2. IC 33-13-8-27 IS ADDED TO THE INDIANA CODE
 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 9 1, 2003]: Sec. 27. (a) As used in this section, "judge pro tempore
 10 service" means service in Indiana as a full-time judge pro tempore
 11 appointed under Trial Rule 63(B) that:

12 (1) is not covered by IC 33-13-9.1 or IC 33-13-10.1; but

13 (2) is served by a person who has other service that is covered
 14 by IC 33-13-9.1 or IC 33-13-10.1.

15 (b) A participant may purchase judge pro tempore service credit
 16 if:

17 (1) the participant has at least one (1) year of service in the
 18 fund;

19 (2) before the participant retires, the participant makes
 20 contributions to the fund:

21 (A) that are equal to the product of the following:

22 (i) the participant's salary at the time the participant
 23 actually makes a contribution for the service credit;

24 (ii) a percentage rate, as determined by the actuary of the
 25 fund, that is based on the age of the participant at the time
 26 the participant makes a contribution for service credit and
 27 computed to result in a contribution amount that
 28 approximates the actuarial present value of the benefit
 29 attributable to the service credit purchased; and

30 (iii) the number of years of judge pro tempore service the
 31 participant intends to purchase; and

32 (B) for any accrued interest, at a rate determined by the
 33 actuary of the fund, for the period from the participant's
 34 initial membership in the fund to the date payment is made
 35 by the participant; and

36 (3) the fund receives verification from the applicable court that
 37 the judge pro tempore service occurred.

38 (c) A participant may not receive service credit under this section
 39 if the judge pro tempore service for which the participant requests
 40 credit also qualifies the participant for a benefit in another
 41 retirement system.

42 (d) A participant who:

43 (1) terminates service before satisfying the requirements for
 44 eligibility to receive a retirement benefit from the fund; or

45 (2) receives a retirement benefit for the same service from
 46 another retirement system, other than under the federal Social
 47 Security Act;

48 may withdraw the participant's contributions made under this
 49 section plus accumulated interest after submitting to the fund a
 50 properly completed application for a refund.

51 (e) The following apply to the purchase of service credit under

1 this section:

2 (1) The board may allow a participant to make periodic
3 payments of the contributions required for the purchase of the
4 service credit. The board shall determine the length of the
5 period during which the payments are to be made.

6 (2) The board may deny an application for the purchase of
7 service credit if the purchase would exceed the limitations set
8 forth in Section 415 of the Internal Revenue Code.

9 (3) A participant may not claim the service credit for purposes
10 of determining eligibility or computing benefits unless the
11 participant has made all payments required for the purchase
12 of the service credit.

13 (f) To the extent permitted by the Internal Revenue Code and
14 applicable regulations, the fund may accept, on behalf of a
15 participant who is purchasing service credit under this section, a
16 rollover of a distribution from any of the following:

17 (1) A qualified plan described in Section 401(a) or Section
18 403(a) of the Internal Revenue Code.

19 (2) An annuity contract or account described in Section 403(b)
20 of the Internal Revenue Code.

21 (3) An eligible plan that is maintained by a state, a political
22 subdivision of a state, or an agency or instrumentality of a state
23 or political subdivision of a state under Section 457(b) of the
24 Internal Revenue Code.

25 (4) An individual retirement account or annuity described in
26 Section 408(a) or Section 408(b) of the Internal Revenue Code.

27 (g) To the extent permitted by the Internal Revenue Code and the
28 applicable regulations, the fund may accept, on behalf of a
29 participant who is purchasing service credit under this section, a
30 trustee to trustee transfer from any of the following:

31 (1) An annuity contract or account described in Section 403(b)
32 of the Internal Revenue Code.

33 (2) An eligible deferred compensation plan under Section
34 457(b) of the Internal Revenue Code.

35 SECTION 3. [EFFECTIVE JULY 1, 2003] (a) IC 33-4-8-5, as
36 amended by this act, applies only to a senior judge who is
37 appointed after June 30, 2003.

38 (b) This SECTION expires July 1, 2008.

(Reference is to EHB 1092 as reprinted April 1, 2003.)

Conference Committee Report
on
Engrossed House Bill 1092

Signed by:

Representative Kersey
Chairperson

Senator Bray

Representative LaPlante

Senator Skinner

House Conferees

Senate Conferees